

REMARKS

Applicant thanks the Examiner for a thorough examination of the present application, but respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action, claims 1-6 were pending. Of these claims, claims 1-6 have been amended and claims 7-9 have been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-9 are now pending for examination in this application.

35 U.S.C. § 103(a)

In the outstanding final Office Action with a mailing date of January 22, 2009, claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2006/0094432 to Chang et al. (“Chang”) in view of U.S. Patent Publication No. 2006/0068826 to Leonard (“Leonard”). Although Applicant does not agree with this rejection, in a good faith effort to advance prosecution, Applicant has amended the claims to more particularly describe aspects of the present application. In addition, Applicant has added new claims to further protect aspects of the present application. Applicant respectfully submits that neither Chang nor Leonard, whether considered alone or in combination, teaches or suggest the features recited in the currently pending claims.

Chang describes a method of performing handoff in a mobile communication system. (*See, e.g.*, abstract and paragraphs [0002], [0016], and [0017]). More particularly, Chang describes a method of obtaining signal strength measurements associated with a base station from a mobile device and comparing the measured signal strength to a first threshold. (*See, e.g.*, paragraphs [0016], [0017], and [0022]). If the measured signal strength is less than the threshold, the strength of a neighboring base station is determined in order to determine a candidate base station to conduct a handoff with. (*See, e.g.*, paragraphs [0016], [0017], and [0022]). Accordingly, Chang basically teaches handing off from an active base station to a candidate base station if a measured signal strength is below a threshold.

Chang, however, fails to teach or even suggest at least (i) receiving a plurality of reception power levels measured by the mobile station, wherein each of the plurality of reception powers levels is associated with a different one of the plurality of base station radio apparatuses; (ii) calculating a difference between two of the plurality of reception power levels for two of the plurality of base station radio apparatuses; (iii) comparing the calculated difference with a predetermined threshold value; (iv) if the calculated difference is greater than the predetermined threshold: controlling transmission power of one of the two of the plurality of base station radio apparatuses so that the difference becomes equal to or smaller than the predetermined threshold value; and (v) performing a handover function test between cells covered by the two of the plurality of base station radio apparatuses, as recited in independent claim 1 and similarly recited in independent claims 4 and 7.

Furthermore, with regard to the Examiner's reliance on Leonard, Applicant respectfully submits that Leonard cannot cure the deficiencies enumerated above because Leonard suffers from the same deficiencies. Leonard discusses a process for determining if a received signal is strong enough to warrant further processing. (*See, e.g.*, abstract, figure 3, and paragraph [0024]). In particular, Leonard discusses determining the strength of a signal received from a cellular device and comparing it with a threshold. If the strength of the received signal is below the threshold, the signal is not processed. However, if the strength of the received signal is above the threshold, a further determination related to errors in the signal is conducted. If there are no errors, the signal is processed normally. (*See, e.g.*, abstract, figure 3, and paragraphs [0024]-[0028]). Accordingly, Leonard basically teaches determining whether or not to process a received signal based on the received signal strength.

Leonard, however, fails to teach or suggest at least (i) receiving a plurality of reception power levels measured by the mobile station, wherein each of the plurality of reception powers levels is associated with a different one of the plurality of base station radio apparatuses; (ii) calculating a difference between two of the plurality of reception power levels for two of the plurality of base station radio apparatuses; (iii) comparing the calculated difference with a predetermined threshold value; (iv) if the calculated difference is greater than the predetermined threshold: controlling transmission power of one of the two of the plurality of base station radio apparatuses so that the difference becomes equal to or smaller

than the predetermined threshold value; and (v) performing a handover function test between cells covered by the two of the plurality of base station radio apparatuses, as recited in independent claim 1 and similarly recited in independent claims 4 and 7. As such, Applicant respectfully submits that Leonard cannot cure the deficiencies associated with Chang, and therefore independent claims 1, 4, and 7 are patentable over Chang and Leonard. In addition, Applicant submits that dependent 2, 3, 5, 6, 8, and 9 are patentable for at least the same reasons as discussed with regard to independent claims 1, 4, and 7.

In addition to the above, Applicant also submits that a number of the dependent claims are patentable over Chang and Leonard for reasons in addition to those discussed above. For example, claim 2 recites that the “process of controlling transmission power of one of the two of the plurality of base station radio apparatus comprises controlling the transmission power of the base station radio apparatus which has the higher received reception power level.” Claims 5 and 9 recite similar features. Applicant respectfully submits that neither Chang nor Leonard discusses anything related to only controlling the transmission power of a base station (out of a pair of base stations) with the higher received reception power level. Thus, claims 2, 5, and 9 are patentable for at least this reason, in addition to the reasons as discussed with regard to claims 1, 4, and 7.

Furthermore, claim 3 recites that “if the calculated difference is equal to or less than the predetermined threshold: performing a handover function test between cells covered by the two of the plurality of base station radio apparatuses without controlling transmission power of one of the two of the plurality of base station radio apparatuses.” Claim 6 recites a similar feature. Applicant respectfully submits that neither Chang nor Leonard teaches or suggests performing a handover function test if a calculated difference between two base stations received reception power level is equal to or less than the predetermined threshold. In addition, neither Chang nor Leonard teaches or suggests performing a handover function test without controlling transmission power of one of the two of the plurality of base station radio apparatuses. As such, Applicant respectfully submits that claims 3 and 6 are patentable for at least this reason, in addition to the reasons as discussed with regard to claims 1 and 4.

New Claims

As discussed above, Applicant has included new claims 7-9 to further protect aspects of the present application. Support for these new claims may be found at paragraphs [0036] and [0039]-[0048] of the present application. In addition, support may be found by reference to elements 30-37 in Figure 1.

As discussed in detail above, independent claim 7 is patentable over Chang and Leonard for at least the five reasons enumerated above. Furthermore, dependent claims 8 and 9 are patentable over Chang and Leonard for their own respective reasons, in addition to the reasons discussed above with regard to independent claim 7.

Conclusion

Because none of the references cited by the Examiner, either separately or in combination with each other, teaches or suggests all of the features recited in independent claims 1, 4, and 7, Applicant submits that independent claims 1, 4, and 7 are patentable over these cited references. Furthermore, because dependent claims 2, 3, 5, 6, 8, and 9 are each directly or indirectly dependent upon independent claims 1, 4, and 7, Applicant submits that each of these claims are allowable for at least the same reasons discussed above, in addition to their own reasons which Applicant reserves the right to argue at a later time if necessary.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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